

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN CARLTON,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 22-480
ROBERT WAYMAN and)	
WESTMORELAND COUNTY)	
REPUBLICAN COMMITTEE,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 30th day of September, 2024, for the reasons set forth in the accompanying Memorandum Opinion filed herewith, IT IS HEREBY ORDERED that Defendant Robert Wayman’s (“Wayman”) Motion to Dismiss 2nd Amended Complaint (Docket No. 32) and Defendant Westmoreland County Republican Committee’s (the “WCRC”) F.R.C.P. 12(b)(6) Motion to Dismiss Plaintiff’s Second Amended Complaint (Docket No. 34) are both GRANTED, and Plaintiff Brian Carlton’s (“Carlton”) claims at Counts I and II against Wayman and the WCRC are dismissed, without prejudice, pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Court will decline to exercise supplemental jurisdiction over Carlton’s state law claim against Wayman at Count III, and that claim is dismissed without prejudice to Carlton’s ability to allege such claim should he choose to file a third amended complaint, and without prejudice to Carlton’s ability to bring such claim in state court.

IT IS FURTHER ORDERED that if Carlton chooses to file a Third Amended Complaint, he shall do so by **October 15, 2024**, and Defendants’ response thereto is due by **October 30, 2024**.

If Plaintiff does not file a Third Amended Complaint by **October 15, 2024**, the claims that are being dismissed without prejudice pursuant to Rule 12(b)(6) will be dismissed with prejudice.

s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc/ecf: All counsel of record